

# Notice of Allowability

Application No.

09/964,927

Examiner

Daniel J. Petkovsek

Applicant(s)

MCCARTHY ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AF response filed July 13, 2005.
2. ☒ The allowed claim(s) is/are 1-6 and 9-25.
3. ☒ The drawings filed on 02 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050622
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
John D. Lee  
Primary Examiner

### **DETAILED ACTION**

This office action is in response to the after final arguments filed July 13, 2005.

Claims 1-6, and 9-25 are pending.

#### ***Election/Restrictions***

1. This application is in condition for allowance except for the presence of claims 7, 8, 26, and 27, claims that were non-elected without traverse. Accordingly, claims 7, 8, 26, and 27 have been cancelled.

#### ***Allowable Subject Matter***

2. Claims 1-6, and 9-25 are allowed. The following is an examiner's statement of reasons for allowance: the relevant prior art of record does not teach or reasonably suggest a fiber shaped device for producing quantum effects in which control paths are physically connected to quantum dots within a material, and which these control paths actuate the quantum dots to form "artificial atoms". It is noted that the declaration of Mr. Robert Metzger, filed June 17, 2004, states that the arrangement of quantum dots with control paths can form these "artificial atoms". The closest prior art of record (Stintz et al. US 2002/0114367, LoCaslo et al. US 2002/0041736) teaches fiber shaped materials in which quantum dots are optically coupled to the fiber/waveguide, but these quantum dots are not controlled by control paths to create "artificial atoms", but instead the quantum dots of the prior art of responding to an optical stimulus when light travels through the fiber/waveguide, and, in particular, are used for amplifying/laser means when stimulated.

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3. It is noted that Applicant's arguments (on the record, filed July 13, 2005) to the effective filing date of Yerushalmi et al. '927 are persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Response to Arguments*

4. Applicant's arguments, see response, filed July 13, 2005, with respect to the effective filing date of the Yerushalmi et al. '927 reference, as to the '635 provisional, have been fully considered and are persuasive. The rejections of claims 1, 2, 5, 6, 9, 10, 13, 14, 16-18, and 20-25 have been withdrawn.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

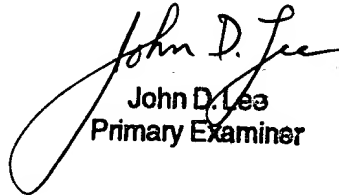
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Petkovsek  
July 21, 2005



John D. Lee  
Primary Examiner

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 7-8 (Canceled).

Claims 26-27 (Canceled).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Petkovsek whose telephone number is (571) 272-2355. The examiner can normally be reached on M-F 8:30-5:00.

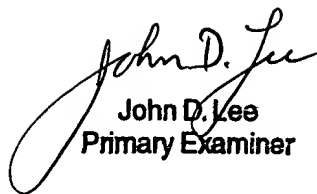
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Daniel Petkovsek  
July 21, 2005



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Primary Examiner